

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

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In re:

**ROGERS JOHNSON and JEAN AVENT  
JOHNSON**

**Case No. 10-81223**

S.S. Nos.: xxx-xx-5638 and xxx-xx-4427

Mailing Address: 2828 WYETH AVE, Durham, NC 27707-

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Debtors.

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**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on July 13, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: July 30, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

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John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

**(MIDDLE DISTRICT - DESARDI VERSION)**

**5/25/10**

**Johnson-5638**

### RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

## SURRENDER COLLATERAL

Retain	Creditor Name	Sch D #	Description of Collateral
	Verizon Wireless		

Creditor Name	Description of Collateral

## ARRÊTARAGE ET AINS

## REFLECTED FUTURE CONTRACTS/LEASES

Retain	Creditor Name	Sch D #	Arrearage Amount	(See t)
	Verizon Wireless			**
				**
				**
				**
				**
	Litton Loan		\$1,104	**
				**
				**
				**

Creditor Name	Description of Collateral

## LTD - DOT ON PRINCIPAL RESIDENCE &amp; OTHER LONG TERM DEBTS

Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Litton Loan		\$1,104	N/A	n/a	\$1,104.00	House and Land
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		

STD - SECURED DEBTS @ 1MM

Return	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	GMAC			5.00			House and Land
	Chrysler		\$13,522	5.00	\$135	\$277.02	2006 Dodge Dakota
	Wells Fargo		\$15,367	5.00	\$154	\$314.82	2005 Toyota Highlander
				5.00			

## STD - SECURED DEBTS at 100% ..

Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				5.00			
				5.00			
				5.00			
				5.00			
				5.00			

<b>ATTORNEY FEE (Unpaid part)</b>		<b>Amount</b>
Law Offices of John T. Orcutt, P.C.		<b>\$2,800</b>
<b>SECURED TAXES</b>		<b>Secured Amt</b>
IRS Tax Liens		
Real Property Taxes on Retained Realty		
<b>UNSECURED PRIORITY DEBTS</b>		<b>Amount</b>
IRS Taxes		<b>\$1,058</b>
State Taxes		<b>\$291</b>
Personal Property Taxes		
Alimony or Child Support Arrearage		
<b>CO-SIGN PROTECT (Pay 100%)</b>	<b>Int. %</b>	<b>Payoff Amt</b>
<b>All Co-Sign Protect Debts (See*)</b>		
<b>GENERAL NON PRIORITY UNSECURED</b>		<b>Amount</b>
<b>DMI=</b>	<b>None(\$0)</b>	<b>None(\$0)</b>

### PROPOSED CHAPTER 13 PLAN PAYMENT

\$	\$1,841	per month for	60	months, then
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\$	N/A	per month for	N/A	months.
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Adequate Protection Payment Period:	<b>2.71</b>	months.
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Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1/12/10) © LOJTO

### Other Miscellaneous Provisions

**Plan to allow for 3 "waivers".**

## **CERTIFICATE OF SERVICE**

I, WILLIAM MCDONALD, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s WILLIAM MCDONALD  
WILLIAM MCDONALD

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

Internal Revenue Service (ED)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Dominion Law Associates  
Attorneys & Counselors @ Law  
222 Central Park Avenue  
Virginia Beach, VA 23462-3026

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Durham County Tax Collector  
Post Office Box 3397  
Durham, NC 27701

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

American Express  
Customer Service  
PO Box 981535  
El Paso, TX 79998-1535

GEMB/Belk's  
Post Office Box 103104  
Roswell, GA 30076

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

American General  
4015 University Drive, Suite J  
Durham, NC 27707

GEMB/CRPP  
Post Office Box 103104  
Roswell, GA 30076

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Bank of America  
Post Office Box 15026  
Wilmington, DE 19850-5026

GEMB/Lowe's  
Post Office Box 103104  
Roswell, GA 30076

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Capital One Bank\*\*  
Attn: Bankruptcy Department  
Post Office Box 85167  
Richmond, VA 23285-5167

GMAC Mortgage  
ATTN: Customer Service  
Post Office Box 780  
Waterloo, IA 50704-0780

Innovis Data Solutions  
Attn: Consumer Assistance  
P.O. Box 1534  
Columbus, OH 43216-1534

Child Support Enforcement  
Post Office Box 20800  
Raleigh, NC 27619-0800

HFC  
Post Office Box 3425  
Buffalo, NY 14240

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Chrysler Financial  
Post Office Box 9223  
Farmington, MI 48333-9223

HSBC Bank Nevada, N.A.  
Post Office Box 5244  
Carol Stream, IL 60197-5244

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Internal Revenue Service (MD)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

Wells Fargo Auto Finance  
Post Office Box 29704  
Phoenix, AZ 85038-9704

Litton Loan Servicing LP\*\*  
Attn: Customer Care  
4828 Loop Central Drive  
Houston, TX 77081-2166

Wells Fargo Financial Cards  
P.O. Box 5943  
Sioux Falls, SD 57117-5943

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

North Carolina Dept of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Sallie Mae Financial \*\*  
300 Continental Drive Ste. 1S  
Newark, DE 19713-4339

Sam's Club\*\*  
c/o GE Money Bank Bankruptcy Dept.  
Post Office Box 103104  
Roswell, GA 30076-3104

Smith Debnam Narron Drake Saintsing  
& Myers, L.L.P  
P.O. Box 26268  
Raleigh, NC 27611

State Employees Credit Union \*\*\*  
Attn: Bankruptcy Department  
P.O. Box 25279  
Raleigh, NC 27611

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858